

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO BAY AREA RAPID  
TRANSIT DISTRICT,

Plaintiff,

v.

WILLIAM D. SPENCER et al.,

Defendants.

No. C 04-04632 SI

**ORDER DENYING MOTION TO  
COMPEL ADEQUATE  
INTERROGATORY RESPONSES**

On September 28, 2006, plaintiff San Francisco Bay Area Rapid Transit District (“BART”) submitted a letter brief to the Court seeking an order compelling adequate responses to a set of interrogatories served on defendants F.W. Spencer & Son, Inc. (“FWS”) and Brisbane Mechanical Company (“BMC”) in January 2006. The Court DENIES plaintiff’s motion as untimely.

Civil Local Rule 26-2 provides, in pertinent part: “[N]o motions to compel fact discovery may be filed more than 7 court days after the fact discovery cut-off . . . . Discovery requests that call for responses or depositions after the applicable discovery cut-off are not enforceable, except by order of the Court for good cause shown.” C.L. Rule 26-2. By stipulated order, on August 29, 2006, the parties extended the cut-off for non-expert discovery to September 14, 2006. *See* August 29, 2006 Order at 2 (Docket No. 75). Based on this cut-off date, pursuant to Local Rule 26-2, the deadline for any motions to compel was September 25, 2006. BART presents no argument to support a finding of good cause for bringing its motion three days after this deadline. BART received the final set of amended responses from FWS and BMC on August 16, 2006. *See* BART Letter Br., Exhs. 10 & 11. BART thus had ample opportunity to meet and confer, and bring its motion, before the September 25, 2006 deadline.

1 For the foregoing reasons and for good cause shown, the Court hereby DENIES BART's motion  
2 to compel adequate interrogatory responses (Docket No. 94).

3  
4 **IT IS SO ORDERED.**

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6 Dated: October 23, 2006



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SUSAN ILLSTON  
United States District Judge